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the SS7 network. Martinez complains that BellSouth requires that the ALEC purchase the SS7 network element to access the database. (EXH 113, p.188) He notes that there is a tariffed service offered to IXC's that provides access to this database. (EXH 113, p.188) In the second scenario, the ALEC is SS7-capable, and the ALEC makes a query through the ILEC's STP/SCP. In the draft SGAT, however, BellSouth indicated that for 800 Access Screening, ALECs will not use switched access Feature Group D Service. This is an issue because MCI witness Martinez notes that to complete calls in this scenario, Feature Group D signaling must be used. (TR 3294) In the third case, the ALEC is SS7-capable and makes the query through a third-party hub provider's STP/SCP. Here, the routing of the call would be virtually the same as the second scenario. The only difference is that the database query charge is levied by the third-party provider.

TCG's witness Hoffmann mentioned in the context of Issue 2 that BellSouth had failed to confirm SS7 point code translations. (TR 3440) Specifically, BST needs to load into its switches this information in order for the SS7 messages to know where to go to connect to TCG's SS7 network. Witness Hoffmann contends that without this confirmation, there is no assurance that services marketed and provided by TCG will function properly when customers are connected. (TR 3442)

#### DISCUSSION OF BST'S RESPONSE TO THE INTERVENORS' POSITIONS

BellSouth has responded to the concerns of AT&T and MCI (relating to AIN access) by pointing to books 10-1 through 10-5 (EXH 32, WKM-1) which contain ordering, provisioning and maintenance procedures, as well as performance and reliability standards. In relation to performance measurements, AT&T has only requested measurements for LIDB. (EXH 52, p.28) BellSouth has provided two performance measures and is in the process of developing two additional measurements. (TR 1495)

Testing was deemed unnecessary for LIDB and toll-free number databases because it has been available on an interconnection basis for IXC's. (EXH 33, pp.228-229) BellSouth provided several reasons for not testing SS7. Its primary concern was that the existing SS7 network is a real-time signaling network and cannot be used to simulate testing. Testing could result in "crashing" the network, affecting all interconnected customers. (EXH 32, WKM-1, Book 10-4) BellSouth notes that ordering and provisioning of unbundled signaling for ALECs is no different from the process for an IXC. The only difference is in the billing. Surrogate usage billing is

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applicable in all of the ALEC contracts. The surrogate usage billing will be accomplished by adding a Universal Service Order Code (USOC) to the accounts and the rate file. Except for the new USOC, unbundled signaling is business as usual. (EXH 32, WKM-1, Book 10-4)

BellSouth has provided summary test results documenting end-to-end test results for both AIN SMS access and AIN Toolkit. In both cases, test calls were completed and billing records were generated. The billing data that was generated reflected rates expected from the contract file. (EXH 32, WKM-1, Book 10-3) Test call results were also provided by BellSouth for selective call routing. (EXH 32, WKM-1, Book 10-5)

BellSouth's position relating to blocking of calls to customer service numbers raised by ICI was that these calls were being billed on a pay per call basis. The customer making the call would receive the bill from BellSouth. ICI customers would have to contact ICI service representatives through an ICI number. (EXH 81, p.1) ICI sought interconnection from BellSouth in a manner which would allow its end users to dial and complete calls to these numbers. This capability was requested by ICI's business customers who wanted to allow their employees to be able to make contact with BellSouth regarding their residential service while at work. (EXH 81, p.1)

BellSouth witnesses Milner and Scheye stated that they were unaware of any AIN Toolkit functions that BST uses itself that are not made available to ALECs. (EXH 33, p.102; EXH 21, p.91) BellSouth witness Milner expressed the position that the intent of open AIN architecture was to encourage other companies to create AIN services that would run on BellSouth's platform. Once the services were created, BellSouth could purchase a license for the service, as opposed to developing a similar service itself. (EXH 33, p.104) Hence, it would be illogical not to provide a full range of tools for other companies to develop services for the BellSouth network. One company in Florida has already used the toolkit to develop an AIN service. (TR 980; EXH 33, Deposition EXH 11)

In relation to MCI's concern about access to BellSouth's Toll-Free Number database, BellSouth reiterates that SS7 is a requirement to gain access. (Scheye TR 724) The service that is offered to IXCs is the exact same service with identical requirements. (TR 725)

The concerns relating to the SGAT that MCI had expressed have been addressed in the record. In regards to 800 Access Screening,

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BellSouth witness Scheye contends that the wording in the SGAT was meant to indicate that ALECs are not required to use feature group D service. (EXH 21, pp.95-96; EXH 33, p.109) The other SGAT issue that MCI noted related to BellSouth's statement that Common Channel Signaling would not be made available for call return. BellSouth witness Milner indicated that the intent was to show that Common Channel Signaling was not required on a call return activation. (EXH 33, p.110) Specifically, call return is a switch based feature. The calling telephone number is stored in the switch's memory, and when a certain sequence of digits are entered, the switch returns the call. It does not require Common Channel Signaling for the execution of call return. (EXH 33, p.110)

#### STAFF ANALYSIS OF THE PROBLEMS FOR THE ISSUE AND SGAT

Only ACSI, AT&T, Intermedia, and MCI presented witnesses during the hearing to address this issue. In ACSI's summary of its position for this issue, ACSI reiterated that it does not have any experience in Florida. (ACSI BR p.17)

AT&T's experience relating to this issue was limited to the concept testing AT&T conducted with BellSouth. (EXH 95, pp.138, 144) AT&T witness Hamman readily admits that the test calls that were conducted were completed, but complained that the call details were not provided. (TR 2756)

AT&T noted that it did not test for access to the related databases that are required for this checklist item. AT&T witness Hamman indicated in deposition that the test calls completed were very basic and did not test these advanced features. (EXH 94, pp.133-134) Because BellSouth did not provide the call details, AT&T did not feel compelled to continue the testing process. (Hamman TR 2758)

AT&T's complaint relating to the unavailability of call details is not relevant to this issue. While the call details would be required to verify proper billing, it is not a requirement for this checklist item. Both billing and associated prices are addressed in Issue 3. Only access is required to meet the requirements found in this issue. Because access to the signaling necessary to complete a call was provided, BellSouth would appear to meet this portion of this checklist item.

AT&T indicated that BellSouth has not resolved the issue of mediated access to its AIN. (AT&T BR p.75) This assertion can only be found in AT&T's post hearing brief. However, MCI witness

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Martinez correctly notes that the "... tool kit is a form of accessing through a mediated device into a foreign SCP." (EXH 113, p.185) Moreover, MCI indicated that mediated access is necessary to protect both parties from damaging the other party's network. (EXH 113, p.186) In Order No. PSC-96-1579-FOF-TP, pp.19-21, this Commission indicated that mediated access to the SCP may be necessary in some circumstances. Furthermore, there is evidence in the record indicating that testing of the AIN Toolkit and AIN SMS Access were successfully conducted. (EXH 32, WKM-1, Book 10-3)

ICI's experience relating to this checklist item is limited to interconnection of its own switch. (EXH 78, pp.191-192; EXH 79, pp.305, 312) In those instances, ICI contends that it has not experienced any problems with respect to access to BellSouth's databases necessary for call routing and completion. (EXH 78, p.60; EXH 79, p.305) ICI admits it has had only limited discussions with BellSouth regarding local switching. (EXH 78, pp.191-192) While ICI has requested local switching, ICI has not received it in the manner it had requested from BellSouth. Hence, ICI claims it has had no opportunity to access BellSouth's databases and signaling resources. (EXH 78, pp.191-192) ICI's complaint relating to databases and signaling is only based on its dissatisfaction with purchasing local switching from BellSouth, not on its access to databases and signaling necessary for call routing and completion. The issue of UNEs is addressed in Issue 7. ICI has not filed an official complaint pursuant to its negotiated interconnection agreement with BST. Therefore, ICI's complaint has not been addressed by the Commission.

ICI noted in late-filed hearing exhibit 81 that it has been able to successfully resolve its concern relating to BellSouth customer service numbers that were being blocked to ICI customers. Since BellSouth is no longer blocking these calls, staff contends this is no longer an issue.

BellSouth did note that some AIN services were in place before the existence of the toolkit, and that an ALEC can create an AIN service without using an AIN Toolkit. (EXH 33, p.103; TR 980) Furthermore, BellSouth's witness Milner testified that he is unaware of any software creation method that is available to BellSouth that is not available through the toolkit. (TR 979) Even if an ALEC chooses not to develop its own AIN services, it could enter into a licensing agreement to purchase AIN services or simply resell the services. (TR 981) BellSouth indicated that Davel Communications has already created an AIN service with its AIN Toolkit. (TR 980; EXH 33, Deposition EXH 11) Furthermore, MCI

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has, at one point in time, created an AIN service and placed it on BellSouth's platform. (EXH 113, p.186) Based on the evidence presented here, staff cannot conclude that access has been denied for ALECs to create and provide AIN service to their customers.

BellSouth's explanation that access to its toll-free number database requires SS7 compatibility is sound. BellSouth has explained that because the database is an extension of the SS7 signaling network, any firm wanting to use it must have SS7 capability. (TR 724) These requirements are the same for IXC's or ALECs. (TR 725) MCI currently gains access to a toll-free number database through a third-party provider. (EXH 111, p.184)

BellSouth has also presented reasonable explanations relating to the issues addressed by MCI about the SGAT. For clarity, however, BellSouth has changed its SGAT to reflect that ALECs are not required to use Feature Group D service. (Scheye TR 744-745) The reason BellSouth's witness Milner supplied as to why call return would not be provided in conjunction with Common Channel Signaling was sufficient. He explained that because call return is a switch based feature, Common Channel Signaling is not required to activate the feature. (EXH 33, p.110)

While MCI has had some experience with BellSouth's AIN structure, its experience is two years old. (EXH 113, p.184) Whether this still reflects the same tools available now is unknown. (EXH 113, p.184) What is known is that MCI was successful in creating an AIN service. Furthermore, MCI has not recently requested direct access to BellSouth's AIN. (EXH 113, p.184) MCI concludes that "it does not appear that an ALEC could get access to BellSouth's AIN database today, or create programs via their SCE/SMS" based on a citation from Gulino's direct testimony. (MCI BR p.83) Witness Gulino concludes this only because "many carriers have barely implemented these features within their own networks, much less interconnected to others' AIN networks." (TR 3146) However, there is no indication that he has any personal knowledge of BellSouth's AIN database or its capabilities.

MCI's witness Martinez indicated in his deposition that MCI had requested and received LIDB. (EXH 113, p.184) This access was tested by both parties when they established connection. (EXH 113, p.185) MCI had also requested and received signaling network elements such as STPs and SCPs. (Martinez TR 3330, 3350)

Within the context of Issue 2, TCG's witness Hoffmann indicates that, despite numerous requests, BellSouth has not confirmed that TCG's point codes have been loaded into BellSouth's

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switches and SS7 signaling transfer points. (TR 3440, 3442) Staff believes that while BellSouth would be required to load the point codes into their switches and STPs, BellSouth is not required to indicate to TCG every switch and STP in BellSouth's territory where the data has been loaded. If TCG orders SS7 from BellSouth and provides the point codes for the area in which it wants to compete, BellSouth is required to load that data into its switches and STPs for that area. That must be done before BellSouth indicates that it has filled TCG's order for SS7. Otherwise the switch or STP will not have the information to know where to route the signal to TCG's STP. Only in this instance would BellSouth fail this checklist item.

BellSouth describes ALI/DMS in its SGAT as the system that contains subscriber information used to route calls to the appropriate Public Safety Answering Point. Because this portion of the E911 system is a database that services the function of routing calls, ALI/DMS is incorporated in this checklist item. BellSouth did not provide a separate binder for this portion of the E911 system in Exhibit 32, WKM-1. However, information relating to how access is provided to the database that provides this function can be found within binder 7-7, which address 911 and E911 in general. None of the intervenors expressed concern relating to access to this database.

#### SUMMARY

Only ACSI, AT&T, ICI, and MCI provided testimony or witnesses to address the issues relating to these databases and associated signaling necessary for call routing and completion. While TCG's witness Hoffmann briefly discussed their concerns about SS7 point codes, it was in the context of Issue 2. Staff concludes that access to the signaling necessary for call routing and completion has been provided. While some intervenors have complained that they have not received the call details or that they have not received other network elements, they have received access as evidenced in their ability to send and receive calls through BellSouth's network.

While the amount of information available in the record regarding ALI/DMS was limited, none of the intervenors expressed any concerns about this database. Selective routing through AIN also had limited discussion in the record. Selective routing through AIN is not currently offered and is only in the developmental stages. BellSouth has been required by this commission to provide selective routing using attributes of the switch (line class codes), and hence is addressed in Issue 8. LIDB

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had only been requested by two of the intervenors, MCI and ICI. Both companies indicated that access has been provided. Third-party hub providers have been effective in offering comparable services that are required in this issue. Two intervenors have indicated that are using third-party hub providers for access to databases associated with this checklist item. MCI indicated it has access to a Toll-Free Number database through a third-party provider, and ACSI specified it had ordered AIN through a third-party. Evidence in the record indicates that none of the intervenors have requested access to BellSouth's SMS.

Based on the evidence presented in the record of this proceeding, staff believes that BellSouth has met the checklist item requirements of providing nondiscriminatory access to databases and associated signaling necessary for call routing and completion, pursuant to section 271(c)(2)(B)(x) and applicable rules promulgated by the FCC.

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ISSUE 12: Has BellSouth provided number portability, pursuant to section 271(c)(2)(B)(xi) and applicable rules promulgated by the FCC? (Wiggins)

RECOMMENDATION: No. Based on the testimony, staff does not believe that BellSouth has met the requirements to satisfy check list item (xi).

POSITION OF THE PARTIES

ACSI: No. BellSouth has not provided number portability to ACSI pursuant to the Act and applicable rules.

AT&T: BellSouth has not provided number portability to AT&T and until it has methods and procedures in place to provide any requesting CLEC with number portability through a permanent or interim solution, it cannot meet this checklist requirement. At present, BellSouth provides only limited number portability options with no electronic ordering capability.

BST: Yes. BellSouth's Statement describes the interim number portability arrangements that are available, which include Remote Call Forwarding (RCF) and Direct Inward Dialing (DID). Interim number portability is functionally available from BellSouth, as evidenced by the fact that as of June 10, 1997, BellSouth has ported 2,484 business directory numbers and 14 residence directory numbers in Florida using interim number portability.

FCCA: No. The testimony of individual carriers demonstrates that BellSouth has not actually provided these items in Florida as required by the Act and applicable rules.

FCTA: No. BellSouth has not met its burden of demonstrating compliance with the Act and FCC rules. See, e.g. Hearing Exhibit No. 86 at 9.

ICI: Yes, BellSouth has provided interim number portability to Intermedia principally through Remote Call Forwarding and Direct Inward Dialing, which complies with the 1996 Act until such time as a permanent number portability solution is required.

MCI: No. BellSouth's current OSS do not support ILNP on a parity with BellSouth. While BellSouth is providing interim number portability, it does not have procedures and practices in place to ensure that the cut-over of a customer takes place at the scheduled



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time and without an interruption of service. In addition, BellSouth has not produced any evidence of testing to insure that with ported numbers the BellSouth operator will transfer to the new entrant operator interrupt and busy verification requests made on ported numbers.

MFS/WorldCom: No, BellSouth has not provided number portability as is required by the Act due to its reciprocal compensation problems for RCF calls and the inability to properly provision interim number portability.

Sprint: No. BellSouth appears to have offered interim number portability, the terms and conditions attached fail to meet the requirements of this checklist item. The definition of number portability should evolve as technology and markets dictate. Sprint supports the Act's definition of number portability to include service provider only at this time. Location routing number architecture should be used for true number portability. Other portability, including location and service, should be phased in as technology and markets dictate. Remote Call Forwarding should be the method of interim number portability. Interim number portability pricing should encourage the development of true number portability. Interim number portability does not promote competition.

TCG: TCG takes no position on this issue. However, BellSouth has the burden to affirmatively demonstrate that it has provided number portability, pursuant to Section 271(c)(2)(B)(xi) and applicable rules promulgated by the FCC.

STAFF ANALYSIS:

INTERPRETATION OF THE ACT'S REQUIREMENTS

SECTION 271 REQUIREMENTS

Section 3(30) of the Act defines number portability as the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

The Act at section 251(b)(2) specifies that each local exchange carrier has the duty to provide, to the extent technically feasible, number portability in accordance with the requirements prescribed by the Commission. Section 251(e) states that the cost

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of establishing telecommunications numbering administration arrangements and number portability shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission.

The Act at section 271(c)(2)(B)(xi) requires, until the date the Commission issues regulations pursuant to section 251 to require permanent number portability, the Bell operating company (BOC) must provide interim telecommunications number portability through remote call forwarding (RCF), direct inward dialing trunks (DID), or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible. After that date, the BOC must be in full compliance with such regulations.

#### **FCC'S INTERPRETATION OF SECTION 271 REQUIREMENTS**

FCC Rule 47 C.F.R. § 52.7 requires all LECs to provide transitional measures, which may consist of Remote Call Forwarding, Flexible Direct Inward Dialing, or any other comparable and technically feasible method, as soon as reasonably possible upon receipt of a specific request from another telecommunications carrier, until such time as the LEC implements a long-term database method for number portability in that area.

On July 2, 1996, in the FCC's First Report and Order on Telephone Number Portability (Order No. 96-286), the FCC interpreted the Act's requirements regarding interim number portability. Specifically, all LECs are required to offer number portability through remote call forwarding, direct inward dialing, or other comparable methods, because they are the only methods that currently are technically feasible. (Order No. 96-286, ¶110)

On August 19, 1997, in the FCC's Ameritech Order (Order No. 97-298), the FCC did not address the Michigan Commission's determination that Ameritech met the checklist item regarding number portability. (Order No. 97-298, ¶339)

#### **FPSC'S INTERPRETATION OF SECTION 271 REQUIREMENTS**

In the arbitration proceeding between BST and AT&T, the Florida Commission required BST to provide interim number portability through the following solutions: 1) remote call forwarding; 2) direct inward dialing; 3) route index portability hub (RI-PH); and 4) local exchange routing guide (LERG) reassignment at the NXX level (Order No. PSC-96-1579-FOF-TP, issued December 31, 1996). The Florida Commission also concluded that

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CLECs shall provide the same interim number portability methods as they request BST to provide. (Order No. PSC-96-1579-FOF-TP, p.98)

In Order No. PSC-97-0476-FOF-TP, issued April 24, 1997, the Florida Commission required all LECs to track the costs of providing the interim number portability solutions, until the FCC issues its order implementing a cost recovery mechanism for permanent number portability. Furthermore, all LECs are to track their interim number portability costs with the understanding that these costs are potentially recoverable through the permanent number portability cost recovery mechanism.

#### **SUMMARY OF REQUIREMENTS BEING USED FOR ISSUE**

Staff interprets Section 271(c)(2)(B)(xi), Section 251(b)(2), FCC Rule § 52.7, and FCC-Order No. 96-286 to require the BOC to provide interim number portability through remote call forwarding, direct inward dialing, or other comparable methods.

Staff points out that the Florida Commission in Order No. PSC-96-1579-FOF-TP, required BST to provide RCF, DID, RI-PH, and LERG, if requested. Staff acknowledges that the Act, FCC Rule § 52.7, and FCC-Order No. 96-286 specifically cite RCF and DID as the only interim number portability arrangements technically feasible at this time. Staff, however, notes that the Florida Commission also determined that RI-PH and LERG are technically feasible interim number portability arrangements. Staff maintains that BST should provide all four interim number portability arrangements as required by this Commission, if requested. Thus, staff believes that BST must provide RCF, DID, RI-PH, and LERG to be in compliance with checklist item (xi).

#### **STAFF DISCUSSION OF POSITIONS**

AT&T and MCI contend that BST does not have the necessary methods and procedures in place to provide any requesting ALEC with number portability. (Hamman TR 2675; MCI BR p.84; Gulino TR 3156) AT&T witness Hamman asserts that AT&T must have the confidence that number portability will work and will be implemented with as little impairment of features, functioning, quality, and inconvenience as possible. Witness Hamman states that the effectiveness of the methods and procedures are important because AT&T will rely on BST's network to provide interim number portability for its customers until the industry solution for permanent number portability is available. (TR 2673-2675) Witness Hamman further

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states that the methods and procedures should encompass testing, operational experience, and performance measurement. The witness also notes that these factors are essential for number portability to function capably. (EXH 94, pp.141-143)

AT&T maintains that number portability that is nondiscriminatory is not currently available because RCF and DID are not sufficient to address the needs of large customers. Witness Hamman asserts that in its interconnection agreement with BST, AT&T requested interim number portability via Route Indexing-Portability Hub (RI-PH) for its large customers. Witness Hamman contends that this method will permit conservation of telephone numbers to avoid an area code split. (Hamman TR 2674; BR p.77) Witness Hamman argues that AT&T ordered RI-PH in Georgia, but BST has yet to provide the service. Witness Hamman states that AT&T has not formally requested RI-PH in Florida because BST has not provided it in Georgia. Witness Hamman points out that if RI-PH does not work in Georgia, AT&T does not expect it to work in Florida. The witness, however, notes that AT&T and BST are working to establish methods for ordering and implementing of RI-PH. He contends that the provisioning of RI-PH will require significant coordination between AT&T and BST. Witness Hamman states that in Georgia the parties are scheduled to perform operational testing of RI-PH in October. (TR 2710; TR 2783; EXH 94, pp.141-143) Witness Hamman indicates that RI-PH will not be suitable for use by AT&T's high volume customers until all operational testing is complete. (Hamman TR 2674; BR p.77; EXH 94, pp.141-143)

MCI contends that it has experienced numerous problems with the interim number portability cutovers. (Gulino TR 3156) For example, BST disconnected a customer's DID circuits two weeks prior to a cutover scheduled for August 8, 1997. Also, BST disconnected a customer's DID circuits at 4:30 p.m. when it was scheduled for 2:00 a.m. the following morning. (EXH 110, p.94) Witness Gulino asserts that MCI must have the ability to postpone or stop scheduled cutovers, for any reason. (EXH 110, pp.46-48) Witness Gulino notes that the cutover conversion process is the main contributing factor to number portability problems. The witness maintains that the errors in the conversion process sometimes cause BST to ignore a postponement request and make the cutover. He states that completing the cutover causes BST to forward the customer's working BST number to an MCI number that is nonoperational. Consequently, Witness Gulino contends that a cutover conversion process without manual intervention would

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eliminate the majority of the problems. (EXH 110, pp.46-49, Gulino TR 3156-3158)

Sprint contends that during a three week period from May 19 to June 6, 1997, its customers encountered three significant service interruptions related to receiving calls directly through BST's network. Sprint's witness Closz indicates that translation errors made by BST interrupted local number portability functionality. Sprint notes that in each case its customers could receive calls directly to their Sprint numbers, but calls being call-forwarded through the BST network could not be completed. For instance, in the first occurrence, on May 19, 1997, an all circuit busy condition was created when interoffice traffic was reversed in error by BST in conjunction with the installation of additional trunks. Sprint's customers had their service interrupted for three hours. The second occurrence, on May 30, 1997, exposed A translation problem in BST's local switch which caused routed calls to encounter "no longer in service" or "can't be completed as dialed" messages. This service interruption occurred for seven hours before BST corrected the problem. More recently, on June 6, 1997, the simulated facilities group was removed from translation in error by BST, resulting in calls to Sprint's customers being blocked for over two hours. Witness Closz asserts that all of the problems are documented in Exhibit 88. Sprint states that these errors by BST have resulted in service deficiencies that have damaged its relationships with its customers. Sprint further states that the interruptions impede its ability to establish itself as a local service competitor in Florida. (EXH 88, pp.17-18; EXH 89, pp.27-30) Additionally, witness Closz notes that the translation errors have been corrected, but the underlying permanent process is still being addressed. (TR 2559-2560) Witness Closz also notes that the source of the translation errors that interrupted the number portability functions were human related. (EXH 89, pp.27-30)

AT&T notes that BST agreed to provide RI-PH in their interconnection agreement, but this number portability arrangement is not available in the SGAT. AT&T further notes that an ALEC ordering from the SGAT could only obtain RI-PH through the bona fide request process. Therefore, AT&T contends that since BST agreed to provide RI-PH, there is no reason for BST to not make it generally available in the SGAT. (Hamman TR 2674; BR p.77; EXH 94, pp.141-143)

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BST states that it provides number portability through RCF or DID, at the election of the ALEC. RCF is an existing switch-based service that redirects calls within the telephone network. DID allows calls to be routed over a dedicated facility to the ALEC switch that serves the subscriber. (EXH 24, p.20) However, BST asserts that any party that wants a form of interim number portability that differs from the methods included in the SGAT may request it via the bona fide request process. (TR 534-536)

BST's witness Milner states that BST has provided technical service descriptions outlining RCF and DID. Witness Milner also states that BST has procedures for ordering, provisioning, and maintaining these services. Witness Milner asserts that these methods and procedures are located in Exhibit 32 (Volume 11-1). Witness Milner contends that the methods and procedures ensure that interim number portability is functionally available from BST. The witness notes that this is evident because as of June 10, 1997, BST has ported 2,484 business directory numbers and 14 residence directory numbers in Florida using interim number portability. (Milner TR 795-796; EXH 32)

BST states that the Act does not require multiple forms of interim number portability to meet the checklist. BST contends that ALECs using the SGAT would utilize RCF and DID because these are the only methods that have been included in the Statement. BST's witness Scheye asserts that any party that wants a different form of interim number portability from the methods included in the SGAT may request them via the bona fide request process. Witness Scheye, however, notes that in its negotiated agreement with AT&T, BST agreed to provide multiple forms of interim number portability, which include RI-PH and LERG. (TR 534-536; EXH 13) BST's witness Milner points out that RI-PH is a form of number portability where the intercompany traffic is delivered from a "hub" location, typically the access tandem, rather than delivered from each local switching office. Witness Milner maintains that the technical feasibility of RI-PH was confirmed in BST's lab in November 1996. Consequently, witness Milner indicates that BST does not understand why AT&T has raised RI-PH as an issue when BST has indicated its willingness and capability to provide RI-PH upon AT&T's request or any other ALEC. (TR 831-832) Thus, witness Milner contends that AT&T is not convinced that BST can provide RI-PH which is difficult for BST to demonstrate since AT&T has not formally requested it. Additionally, witness Milner states that RI-PH is functionally available if the ALEC has its own switches; however, BST is not

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aware of any switches in Florida that AT&T operates. (EXH 33, pp.119-122)

BST's witness Milner maintains that BST will coordinate implementation of number portability with loop installation. Witness Milner states that the coordination requires that BST make a switch translation change, referred to as a "recent change" to the customer's line. Witness Milner notes that the recent change places RCF on the customer's telephone number. Witness Milner contends that when the BST technician enters the recent change request into the system, that request is queued with other changes that are routinely made to the switch's memory. The witness asserts that should MCI request a postponement too late in the process, BST will complete the recent change transaction, which forwards calls to the non-working MCI number. Witness Milner indicates that the problem is caused by a situation in which MCI notifies BST too late in the cutover process to prevent disruption of the customer's service. (TR 821) Consequently, witness Milner notes that the solution to the problem is closer coordination between BST and MCI when MCI wants to postpone or cancel a number portability cutover. (EXH 33, pp.128-129)

BST contends that on three separate occasions translations errors it made interrupted local number portability functionality such that Sprint's customers could not receive calls call-forwarded through the BST network. Witness Milner asserts that the problem occurs when the translation field referred to as a simulated facilities group (SFG) value is set too low. Witness Milner states that the incorrect value causes some forwarded calls to be blocked. Witness Milner further states that the SFG is a numeric value that indicates the number of calls that can be ported simultaneously from the BST switch to the ALEC switch. Witness Milner, however, notes that since the interruptions occurred, BST's translation technicians have taken additional training to ensure that the translations for SFGs are made correctly. Thus, the witness maintains that the problem has been totally rectified given the procedural changes that BST instituted. (EXH 33, pp.125-127)

The SGAT defines Service Provider Number Portability (SPNP) as an arrangement which allows an end user customer who switches service providers to keep the same telephone number. SPNP is available only within the same serving wire center. The SGAT further states that SPNP is available through RCF or DID, at the election of the ALEC. The SGAT states that BST will provide number

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portability with minimum impairment of functionality, quality, reliability and convenience. The SGAT also notes that guidelines for ordering and provisioning are set out in the Local Interconnection and Facility Based Ordering Guide (Section XV).

Staff notes that MFS\WorldCom raised arguments regarding the sharing of terminating access charges paid by the IXCs on calls forwarded as a result of RCF or other comparable number portability arrangements. (Ball TR 3379; BR pp.27-28) Staff points out that the Florida Commission has not delineated a specific distribution methodology for the sharing of terminating access charges with the use of interim number portability. Staff, however, notes that the Commission stated that the parties should negotiate the methodology and if unsuccessful, request arbitration. Thus, staff believes this Commission will address disputes concerning this matter at a later date.

#### SUMMARY

The intervenors raised arguments that BST does not have the necessary methods and procedures in place to satisfy all ALEC requests for number portability. (AT&T TR 2675; MCI TR 3156) AT&T's witness Hamman asserted that the methods and procedures are important because AT&T will rely on BST's network to provide number portability to its customers. (TR 2673-2675) Witness Hamman further states that the methods and procedures should include testing, operational experience, and performance measurements. (EXH 94 pp.141-143) Conversely, BST notes that it does provide the necessary methods and procedures for ordering, provisioning, and maintaining number portability. BST also notes that the methods and procedures for number portability are located in Exhibit 32 (volume 11-1). (Milner TR 795-796; EXH 32) Consequently, staff does not believe that the intervenors' arguments are sufficient to conclude that BST is not providing the necessary methods and procedures for requesting ALECs to obtain number portability.

MCI testifies that it has experienced a number of problems with number portability cutovers. MCI points out its customers have experienced several service interruptions because of cutover scheduling conflicts with BST. MCI's witness Gulino contends that it needs to have the ability to postpone or even stop number portability cutovers for any reason. Witness Gulino maintains that deficiencies in the cutover conversion process cause BST to ignore



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postponement requests which causes BST to complete the cutover that in turn call-forwards MCI customers' calls to nonoperational numbers. Witness Gulino also states that manual intervention is a major factor in the cutover problems. (TR 3156; EXH 110, pp.47-51) BST, however, states that service interruption occurs when MCI notifies BST too late in the cutover conversion process. BST also states that closer coordination between BST and MCI should solve the underlying problem. (Milner TR 821; EXH 33, p.129) Staff notes that both MCI and BST present valid arguments regarding number portability cutovers. Consequently, staff believes that the solution to the ongoing problem is closer coordination of number portability cutover postponements and cancellations between the parties.

Sprint notes that on three separate occasions translation errors made by BST interrupted its local number portability functionality. Sprint points out that in each occurrence its customers could receive calls directly to their Sprint numbers, but calls being call-forwarded through BST's network could not be completed. Furthermore, BST confirms that the service interruptions did occur. BST states that the service interruptions were caused by its technicians setting the SFG value too low, which blocked calls being forwarded through its network. BST did maintain that it has corrected the problem by requiring its technicians to take additional training. Staff acknowledges that Sprint presented valid arguments regarding the service interruption problems; however, we do not believe that this is an ongoing problem. Staff notes that BST has indicated that it corrected the problem which was caused by human error.

Staff acknowledges that BST's argument that it provides interim number portability primarily through RCF and DID, the arrangements the Act, FCC Rule § 52.7, and FCC-Order No. 96-286 (The First Report and Order) specifically cite. (TR 534-536; EXH 24) BST also indicated that AT&T has not formally requested RI-PH in Florida; therefore, BST cannot demonstrate that it can provide the service. (Milner TR 831-832; EXH 13) Staff notes that the Act, FCC Rule § 52.7, and The First Report and Order also state that the BOCs shall provide interim number portability through RCF, DID, or other comparable arrangements. Staff also points out that in Order No. PSC-96-1579-FOF-TP, the Florida Commission determined that LERG and RI-PH were technically feasible and required BST to provide these methods as well as RCF and DID upon request. Staff notes that ultimately BST must demonstrate that it provides all requested technically feasible interim number portability

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arrangements. Consequently, staff does not believe that the testimony presented by BST sufficiently demonstrates that it provides all of the requested interim number portability arrangements. Staff points out that AT&T indicates that it ordered RI-PH in Georgia, but BST has yet to provide this service. Staff maintains that AT&T states that if RI-PH does not work in Georgia, AT&T does not expect the service to work in Florida. Staff notes that AT&T contends that the parties are scheduled to perform operational testing of RI-PH in October. Staff points out that AT&T states that RI-PH will not be suitable for use until all operational testing is complete. (TR 2674; TR 2710; TR 2783; EXH 94, pp.141-143) Additionally, staff believes that the testimony presented by BST does not sufficiently demonstrate that it is capable of providing RI-PH on a commercial basis. Although AT&T has not formally requested in RI-PH in Florida, staff notes that the provision of RI-PH should be no different in Florida than Georgia. While staff acknowledges that BST is working in good faith to provide RI-PH to AT&T, we do not believe that BST can provide this service on a commercial basis with minimum impairment of functionality, quality, and reliability at this time. Thus, based on the testimony, staff does not believe that BellSouth has met the requirements to satisfy check list item (xi).

Staff notes that AT&T presents valid arguments regarding the number portability solutions offered in the proposed SGAT. AT&T argues that BST agreed to provide RI-PH, but this number portability solution is not available in the proposed SGAT. (Hamman TR 2674; EXH 94, pp.141-143) Staff also points out that in Order No. PSC-96-1579-FOF-TP, the Florida Commission determined that LERG and RI-PH were technically feasible and required BST to provide these methods as well as RCF and DID upon request. Staff notes that we are considering AT&T's request for RI-PH in Georgia as evidence that BST has not provided all technically feasible interim number portability solutions because the provision of RI-PH should be no different in Florida than Georgia. Staff also notes that an ALEC ordering from the SGAT could only obtain RI-PH or LERG through the bona fide request process since the SGAT offers only RCF and DID. Staff believes that since the Commission required BST to provide RCF, DID, RI-PH, and LERG upon request the SGAT should offer these interim number portability solutions, and it clearly does not. Therefore, staff recommends that the Commission deny the portion of the proposed SGAT regarding interim number portability.

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**ISSUE 13:** Has BellSouth provided nondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3) of the Telecommunications Act of 1996, pursuant to section 271(c)(2)(B)(xii) and applicable rules promulgated by the FCC? (Siriani)

**RECOMMENDATION:** Yes. Subscribers in BellSouth's territory in Florida have the ability to dial the same number of digits to place a local call, without the use of access codes, regardless of the local service provider.

**POSITION OF THE PARTIES**

**ACSI:** The interconnection agreement requires nondiscriminatory access to these services but ACSI does not have experience in Florida.

**AT&T:** BellSouth has not provided such access to AT&T.

**BST:** Yes. Local service subscribers in BellSouth's service area in Florida dial the same number of digits to place a local call, without the use of an access code, regardless of their choice of local service provider. This satisfies the local dialing parity requirement.

**FCCA:** No. BellSouth has failed to provide nondiscriminatory access to all functions and features of unbundled local switching, including the ability to route 0-, 411, 611, and 811 calls to the entrants' operator, directory repair and business offices as required. Therefore, it has not actually provided the services necessary to implement dialing parity in accordance with the Act and applicable rules.

**FCTA:** No position.

**ICI:** No. BellSouth is providing Intermedia with dialing parity on a very limited scale (i.e., within the limited scope of local exchange services that Intermedia can provide today principally through its own facilities).

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**MCI**: No. BellSouth has failed to activate MCI's NXX codes in a timely manner, thereby precluding MCI customers from reaching BellSouth customers. In addition, BellSouth does not provide access to directory service listings in its database for independent telephone companies and ALECs.

**MFS/WorldCom**: No, BellSouth has not provided nondiscriminatory access due to BellSouth's failure to timely, properly, and consistently implement numbers and codes.

**Sprint**: No. Interconnection should allow seamless calling. Competing networks should be interconnected so that customers can seamlessly receive calls that originate on another carrier's network and place calls that terminate on another carrier's network without dialing extra digits, paying extra, or doing anything out of the ordinary. Call routing capabilities should be nondiscriminatory. Competitors to BellSouth should have control over the routing of all N11 numbers (except for 911) for their customers. N11 numbers include 411, 611 and 811. Competitors should also have control over the routing of all 0-, 0= local and directory assistance numbers (e.g., 1-555-1212).

**TCG**: No. See TCG's response to Issue No. 11 above.

**STAFF'S ANALYSIS:**

**INTERPRETATION OF THE ACT'S REQUIREMENTS**

**SECTION 271 REQUIREMENTS**

Section 271(c)(2)(B) of the Act states that access or interconnection provided or generally offered by a Bell operating company to other telecommunications carriers meets the requirements of this subparagraph if such access and interconnection includes all of the checklist items (i)-(xiv). Section 271(c)(2)(B)(xii) requires a BOC to provide "nondiscriminatory access to such services or information as necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3)."

Section 251 (b)(3), in turn, imposes on all LECs the duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service with "nondiscriminatory access

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to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays."

Dialing parity is defined in Section 3 (15) of the Act as:

"The term "dialing parity" means that a person that is not an affiliate of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of the customer's designation from among 2 or more telecommunications services providers (including such local exchange carrier)."

#### **FCC'S INTERPRETATION OF SECTION 271 REQUIREMENTS**

The FCC formulated rules (Sections 51.205-51.217 contained in FCC Order 96-333, issued August 8, 1996) dealing with local and toll dialing, including nondiscriminatory access to telephone numbers, operator services, directory assistance services, directory listings, and implementation plans and schedules. However, the United States Court of Appeals for the Eighth Circuit Court concluded that the FCC had exceeded its jurisdiction in promulgating dialing parity rules for intraLATA services. In Docket No. 96-3519, issued August 22, 1997, the Court vacated the FCC's dialing parity rules, 47 C.F.R. 51.205-51.515, as they apply to intraLATA telecommunications.

In the Ameritech Order, the FCC made no findings or conclusions with respect to Ameritech's compliance with this checklist item.

#### **FPSC'S INTERPRETATION OF SECTION 271 REQUIREMENTS**

In Commission Order No. PSC-96-1579-FOF-TP, issued December 31, 1996 (Docket Nos. 960833-TP, 960846-TP, and 960916-TP), the Commission concluded that dialing parity is inherent in the network. Thus, the Commission did not find that there were any additional costs associated with local dialing parity. Therefore, the Commission found it unnecessary to establish any additional

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requirements or cost recovery mechanism for the purpose of local dialing parity.

#### **SUMMARY OF REQUIREMENTS FOR ISSUE**

Section 251(b)(3) of the Act requires that BellSouth provide dialing parity to CLECs and nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing with no unreasonable dialing delays. However, this issue deals only with dialing parity as it is defined in Section 3 (15) of the Act. Dialing parity as it relates to the other areas will be dealt with in each issue separately (e.g., access to operator services, directory assistance, and directory listings is in issue 8, access to telephone numbers in issue 10, unbundled local switching in issue 7, etc.).

#### **STAFF DISCUSSION OF POSITIONS**

The "local dialing parity" covered by this checklist item is to provide subscribers the ability to dial the same number of digits to place a local call, without the use of an access code, regardless of their choice of local service provider. For example, witness Scheye described that just like when a customer in BST's local calling area in Florida dials either a 7 or 10- digit number to make local calls, with local dialing parity, the ALEC's customers will be able to dial a 7 or 10- digit number to make a local call. (TR 469) While the ALEC's switch determines how the ALEC's end users dial specific calls, BST asserts it will interconnect with the ALEC such that identical 7 and 10- digit dialing is possible. (Scheye TR 469-470)

Witness Scheye also asserts that since ALECs can use the identical dialing and numbering plans as BellSouth does, "local dialing parity simply happens as ALECs begin operating." (TR 470) Since the ability for ALEC subscribers to have the same dialing and numbering plans "just happens," there is no rate associated with local dialing parity. (Scheye TR 470)

ACSI states that it does not have experience in Florida regarding this checklist item; however, given the testimony of other parties, it does not believe that BST has complied with this item. (BR p.18) FCTA takes no position on this issue. (BR p. 20)

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TCG and MFS both contend that BST has not met this checklist item, but neither party provided testimony that directly relates to this checklist item. (TCG BR p.29; MFS BR p.28)

ICI asserts that BST has not complied with this checklist item because it is only providing dialing parity in instances where ICI can provide services through its own facilities. Witness Strow contends that BST has failed to provide access to certain UNEs required to provide competitive service offerings, thus preventing ICI from implementing local dialing parity. (TR 2401) ICI believes that it cannot evaluate or quantify dialing delays until BST is actually providing the UNEs requested by ICI. (BR p.66) However, staff would note that the ability of BST to offer certain UNEs to ICI at parity is discussed in each of the respective issues and will not be reiterated in this issue.

FCCA contends that BST has failed to provide nondiscriminatory access to all of the functions and features of unbundled local switching. In addition, FCCA, Sprint and AT&T contend that competitors to BellSouth should have control over the routing of N11 numbers, including 411, 611, 0-, 0+ local and directory assistance numbers, and 811 calls to the entrants' operator, and business offices as required. (FCCA BR p.6; Sprint BR p.12; AT&T BR p.78) AT&T also asserts that BST has not implemented methods and procedures for assuring dialing parity in Florida. (BR p.78) For these reasons, FCCA, Sprint and AT&T assert that BST has not met the requirement to provide dialing parity and has not complied with checklist item xii. However, as stated earlier in staff's recommendation, dialing parity as it relates to these other areas will be dealt with in each issue separately (e.g., access to operator services, directory assistance, and directory listings is in issue 8, access to telephone numbers in issue 10, unbundled local switching in issue 7, etc.).

MCI contends that BellSouth has failed to activate MCI's NXX codes in a timely manner, thereby precluding MCI customers from reaching BellSouth customers. (Gulino TR 3147-3150) MCI also contends that there is no dialing parity because BellSouth cannot provide directory listings for independent telephone companies. (Martinez TR 3298-3299) However, staff would note that access to telephone numbers (NXXs), and access to directory listings are discussed in issues 10 and 8, respectively.

Staff would point out that no witness in this proceeding provided testimony or disputed the facts testified to by BST's witness Scheye as it relates to this issue. In fact, no party

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represented in this proceeding provided testimony directly related to the ability of customers to dial the same number of digits to place a local call, without the use of an access code, regardless of their choice of local service provider. Thus, staff believes that BST has provided "local dialing parity" as it relates to this checklist item. In other words, staff believes that local service subscribers in BST's region have the ability to dial the same number of digits to place a local call, without the use of an access code, regardless of their choice of local service provider. In addition, staff believes that Section XII of BST's statement of generally available terms and conditions (SGAT) sufficiently addresses local dialing parity as it relates to this issue. For these reasons, staff recommends approval of checklist item xii.



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**ISSUE 14:** Has BellSouth provided reciprocal compensation arrangements in accordance with the requirements of section 252(d)(2) of the Telecommunications Act of 1996, pursuant to section 251(c)(2)(B)(xiii) and applicable rules promulgated by the FCC? (Norton)

**RECOMMENDATION:** No. BST has violated the terms in ALEC agreements in its handling of the ISP traffic controversy. The Commission should advise BST and the ALECs to try to resolve this dispute or, in the alternative, to bring it to the Commission for resolution. Otherwise, where requested and provided, BellSouth has provided reciprocal compensation arrangements in accordance with the requirements of section 252(d)(2) of the Act, pursuant to section 251(c)(2)(B)(xiii) and the applicable FCC rules.

**POSITION OF THE PARTIES**

**ACSI:** This is a part of the interconnection agreement.

**AT&T:** Interconnection arrangements are satisfactory but have yet to be implemented. BellSouth must implement methods and procedures for billing. BellSouth has improperly refused to pay reciprocal compensation on calls to enhanced service providers. Further, without an agreement on a Percentage Local Usage factor for local traffic between BellSouth and AT&T, the parties will be unable to bill each other properly and BellSouth will be unable to meet this requirement.

**BST:** Yes. BellSouth has arrangements in place to provide reciprocal compensation. These arrangements provide for the mutual and reciprocal recovery of the costs of transporting and terminating local calls on BellSouth and ALEC networks.

**FCCA:** No. The testimony of individual carriers demonstrates that BellSouth has not actually provided this item in Florida as required by the Act and applicable rules.

**FCTA:** No position.

**ICI:** While BellSouth has implemented mutual compensation arrangements for some services, BellSouth recently has informed Intermedia that it unilaterally will refuse to provide mutual